

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

SHARLENE PENTECOST,

Plaintiff,

vs.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security¹,

Defendant.

Civil No. C16-5795 RSM

ORDER

Based on the stipulation of the parties it is hereby ORDERED that the above- captioned case be reversed and remanded, pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings, including the following actions:

- The ALJ will conduct a new hearing, further develop the record and issue a new decision;

¹ Nancy A. Berryhill is now the Acting Commissioner of Social Security. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Nancy A. Berryhill should be substituted for Acting Commissioner Carolyn W. Colvin as the defendant in this suit. No further action needs to be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

- The ALJ will reevaluate and further develop the medical and “other source” evidence or record;
- As warranted, obtain evidence from a medical expert to clarify the nature, severity and limiting effects of the Plaintiff’s right shoulder impairment;
- The ALJ will reevaluate the credibility of Plaintiff’s testimony and complaints;
- The ALJ will reevaluate Plaintiff’s RFC pursuant to SSR 96-8p and 11-2p, and;
- The ALJ will reevaluate steps four and five of the sequential evaluation process with the assistance of a vocational expert, as necessary.

Upon proper presentation, this Court will consider Plaintiff’s application for costs and attorney’s fees under 28 U.S.C. § 2412(d).

DATED this 16th day of March 2017.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

s/ Franco L. Becia

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